

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

11 STEVEN DELEON,
12 Petitioner,
13 vs.
14 D. W. NEVEN, et al.,
15 Respondents.

2: 10-cv-01348-JCM-LRL

ORDER

18 This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which
19 petitioner, a state prisoner is proceeding *pro se*. Petitioner has failed to submit either a motion for
20 leave to proceed *in forma pauperis* on the proper form or payment of the \$5.00 filing fee. Petitioner
21 shall be sent a motion for leave to proceed *in forma pauperis* form, should he wish to apply for
22 pauper status, and alternatively given an opportunity to pay the requisite filing fee.

23 Petitioner has also failed to submit his petition on the form required by the Local
24 Rules of this court. Accordingly, petitioner will be sent the correct form and given an opportunity to
25 resubmit his petition.

IT IS THEREFORE ORDERED that the clerk shall send to petitioner a motion for

1 leave to proceed *in forma pauperis* form and instructions therefor. Petitioner shall have **thirty (30)**
2 **days** from the date of entry of this order within which to file a motion for leave to proceed *in forma*
3 *pauperis*. Alternatively, petitioner shall have **thirty (30) days** from the date of entry of this order
4 within which to have prison officials deduct from his prison account and send to the clerk of court
5 the full \$5.00 filing fee. Failure to do so will result in the dismissal of this action.

6 **IT IS FURTHER ORDERED** that the clerk shall send to petitioner the proper form
7 for submitting a habeas corpus petition to this court and the instructions therefor. Petitioner shall
8 have **thirty (30)** days from the date of entry of this order within which to file his petition on the
9 correct form. The petition shall be labeled, "First Amended Petition." Petitioner's failure to timely
10 file his first amended petition will result in the dismissal of this action.

11 DATED this 30th day of September, 2010.

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14 UNITED STATES DISTRICT JUDGE
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